IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1936 OF 2005

IN

SUIT NO.1689 OF 2005

...

Bank of Baroda ...Plaintiff

v/s.

Shivkumar L. Maheshwari & Anr. ...Defendants

...

Mr.Anant R. Bamne for the Plaintiff.

None for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 23RD NOVEMBER,2006

P.C.:

This is the bank suit. Defendants are served. Affidavit of service has been filed. None appears for the Defendants. Defendants have not filed any reply. Therefore, in the absence of any reply accepting the averments made in the affidavit filed in support of Notice of Motion at their face value, motion is granted in terms of prayer clause (a) excluding bracketed portion.

If in case the Receiver finds that any of the Defendant is occupying the flat, the Receiver shall take only symbolic possession and shall offer agency of the flat on usual terms and conditions including royalty and security to the Defendant found in possession, during the pendency of the suit. Till the Receiver takes possession, ad-interim order in terms of prayer clause (b) shall operate. Motion disposed of.

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